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TRANSMITTAL FORM JUL 22 2002 (to be used for all correspondence after initial filing) PATENT & TRADEMARK OFFICE	Application Number	09/127,767	
	Filing Date	February 23, 2000	
	First Named Inventor	Sarvar PATEL	
	Group Art Unit	2132	
	Examiner Name	S. Kabakoff	
Total Number of Pages in This Submission		Attorney Docket Number	29250-000161/US

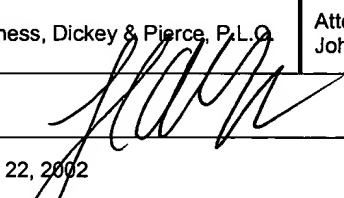
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ENCLOSURES (check all that apply)				
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	John A. Castellano	Reg. No.	35,094
Signature					
Date	July 22, 2002				

FEE TRANSMITTAL for FY 2002 JUL 22 2002 Patents are subject to annual revision. PTO/USPTO OFFICE		Complete If Known	
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TOTAL AMOUNT OF PAYMENT (\$)		280.00	

METHOD OF PAYMENT (check one) 1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 08-0750 Deposit Account Name: Harness, Dickey & Pierce, P.L.C. <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td>280.00</td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	John A. Castagna	Registration No. Attorney/Agent	35,094
Signature		Telephone	703-390-3030
		Date	July 22, 2002

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#13
KWS
PATENT 726-02
10/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 25 2002

Technology Center 2100

Applicant: Sarvar PATEL

Conf.: 1713

Appl. No.: 09/127,767

Group: 2132

Filed: February 23, 2000

Examiner: S. Kabakoff

For: METHOD FOR TWO PARTY AUTHENTICATION AND KEY AGREEMENT

Commissioner of Patents and Trademarks
Washington, D.C. 20231

July 22, 2002

REPLY BRIEF

Sir:

Applicants respectfully request an Oral Hearing under 37 C.F.R. § 1.194(b) and include the \$280.00 fee as specified under 37 C.F.R. § 1.17(d).

REBUTTAL AND REMARKS

This reply brief is in response to the Examiner's Answer, Paper No. 12, mailed May 21, 2002.

REBUTTAL

Group I: Claims 12, 14, 15 and 18-20

The Examiner's Answer fails to establish a prima facie case of obviousness under 35 U.S.C. § 103(a). In particular, the examiner has failed to establish proper motivation for using a counter value instead of the random number r_A in the SKID 3 protocol of Menezes et al. Citing

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Menezes, the examiner asserts that page 397 section, 10.9 states "it typically serves to prevent undetectable replay attacks in challenge-response mechanisms."

Appellants fail to understand how this simple statement would motivate one of ordinary skill in the art to use a counter value instead the random number r_A taught by Menezes et al. Accordingly, applicants respectfully submit that this statement found in Menezes is insufficient to motivate one of ordinary skill in the art to make the requisite change asserted by the examiner.

The examiner also states "one of ordinary skill sill in the art would have known replay attacks were used to subvert challenge-response authentication protocols, and therefore would have been familiar with choosing one of the three above options." This assertion is totally unsupported by the record. In fact, this assertion appears to be the opinion of the examiner. However, the examiner's opinion cannot be utilized to establish proper motivation under 35 U.S.C. § 103(a). Accordingly, appellants maintain that the examiner's 35 U.S.C. § 103(a) rejection with respect to Group I is still deficient.

Group II: Claims 13 and 16

Claims 13 and 16 both require a second key be established based upon first and second challenges. In addition to relying on pages 397-405 of Menezes, the examiner now relies on page 499 as well as page 535. In modifying this rejection, the examiner appears to be piecing together portions of Menezes, which is not permitted under *In re Kotzab* 55 USPQ 2nd 1313 (Fed. Cir. 2000). Accordingly, appellants maintain that the examiner's 35 U.S.C. § 103(a) rejection with respect to Group II is still deficient.

Groups III, V, VI, VII, and VIII

Appellants respectfully assert that these claims are allowable for at least the additional reasons set forth above with respect to Group II.

Group IV: Claims 21 and 22

Appellants acknowledge the examiner's indication that the rejection of these claims is overcome.

CONCLUSION

Because Menezes does not teach or suggest any of the proposed modifications suggested by the examiner, applicants respectfully submit that claims 1-22 are patentable over Menezes et al.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

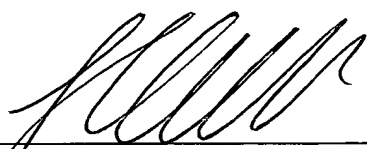
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any

additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



John A. Castellano, Reg. No. 35,094

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Reston, Virginia 20195
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